

The Federal Communications Commission
Washington DC 20554

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| In the Matter of |) | |
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| A National Broadband Plan for Our Future |) | GN Docket No. 09-51 |
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| Notice of Inquiry |) | |
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Comments of the Education and Libraries Networks Coalition

Introduction

The Education and Libraries Networks Coalition (EdLiNC), a group comprised of the leading public and private education associations and the American Library Association, was formed in 1995 to advocate for the interests of schools and libraries in the 1996 Telecommunications Act.¹ Since the enactment of the Universal Service Schools and Libraries program of the universal service fund (“Schools and Libraries program”), EdLiNC has pursued a mission of preserving and protecting the Schools and Libraries program (commonly referred to as the E-Rate) and has filed in every Commission rulemaking related to the program. Today, EdLiNC continues to focus on improving the program’s administrative processes, ensuring that discounts from the Schools and Libraries program reach those most in need, and preserving the program’s integrity.

Pursuant to the Commission’s recent Notice of Inquiry (NOI), FCC Docket No. Notice 09-51, regarding the creation of a national broadband plan, EdLiNC submits these comments. EdLiNC firmly believes that the School and Libraries program has an

¹ A list of EdLiNC members is attached as Appendix A.

important role to play in a new national broadband plan and that the Schools and Libraries program has already proven successful in improving broadband penetration in schools and libraries throughout the nation, particularly in low-income and rural localities. While the NOI requests comments on a number of issues, we will only address those issues that are directly related to the Schools and Libraries program.

The Schools and Libraries Program is an Effective and Efficient Mechanism to Achieve National Broadband Goals (§ 39)

In the NOI, the Commission seeks comment on the efficacy and effectiveness of the Schools and Libraries program in achieving national broadband goals. EdLiNC asserts that the Schools and Libraries Program has effectively and efficiently worked to support broadband deployment in public libraries and public and private schools since its inception in 1998. During this time, numerous schools and libraries have used support from the Schools and Libraries program to deliver broadband-grade service to students, educators, and community members across the country for various purposes, including:

- In Alaska's Anchorage School District, Schools and Libraries' support has been used to give thousands of students access to online reading and math programs that deliver high-interest, current-event news articles to students. Additionally, Schools and Libraries program supported connectivity permits Anchorage to deliver an online program that allows teachers to draw from thousands of lesson plans to individualize instruction for students. With the help of Schools and Libraries support, Anchorage School District's student test scores are higher than the state and national averages, and its graduation rates have improved.
- In Southern Michigan, the Woodland Library Cooperative's Internet access, supported by the Schools and Libraries program, allows patrons to contact loved ones serving in the military overseas and assists patrons suffering from particular illnesses to connect with others suffering from the same diseases. Additionally, with soaring unemployment rates in Southern Michigan, the Internet access provided by Woodland's libraries has allowed job seekers to develop marketable skills, file for unemployment benefits, and search and apply for positions online.

- In Clark County, Nevada, one of the fastest-growing metropolitan regions in the United States, the Schools and Libraries program has proven to be an invaluable tool to assist the district with its rapidly growing population. Since 1998, Clark County has used support from the Schools and Libraries program to upgrade its network from T1 connectivity to a Gigabit fiber-optic wide-area network (WAN). Today, virtually all district schools, with the exception of a few situated in remote desert locations where fiber connectivity is not possible, have building speeds up to 1,000 megabytes per second. In addition, through the Schools and Libraries program, Clark County has also launched its own virtual high school, which offers students synchronous and asynchronous instruction across a wide range of subject areas, including core course content, advanced and remedial courses, Advanced Placement courses, and electives. The virtual high school is a major success story in Clark County and is credited with lowering the district's drop-out rate a full percentage point.
- In Rochester, New York, the Schools and Libraries program has provided new learning opportunities at The Rochester School for the Deaf for profoundly deaf students, who range in age from infants to 21 years old. The discounts available through the Schools and Libraries program have enabled the school to provide information to their students through a variety of media, including video conferencing, e-mail, and Video Relay. Through video conferencing services supported by the program, students have taken units of study offered by the National Technical Institute for the Deaf at the Rochester Institute of Technology. Students in social studies classes have interviewed a deaf man in Ethiopia via email. The Schools and Libraries program also supports Video Relay, which allows deaf people to communicate quickly and efficiently to a hearing person over the telephone. Finally, teachers at The Rochester School for the Deaf also use Schools and Libraries program supported services to communicate with parents via e-mail, which is especially helpful for deaf parents.

In addition to delivering broadband-grade service to schools, there is also evidence that the Schools and Libraries program has catalyzed the demand for and implementation of broadband grade services in surrounding communities and other institutions. For example, because of the Schools and Libraries program, the small town of Edinburg, Mississippi, which consists of just two convenience stores, a pawn shop, a bank, and a single school, now has access to broadband fiber. Broadband service was made available in Edinburg when local service providers were forced to lay fiber between the county seat and Edinburg's school to establish an E-Rate supported Internet connection. Because the

fiber was government-owned and part of the area's public infrastructure, local Edinburg businesses are able to tap into that new line and can now have fiber access.

As stated in the NOI, broadband “can help to restore America’s economic well-being and open the doors of opportunity for more Americans, no matter who they are, where they live, or the particular circumstances of their lives.”² That very quote could and should be applied to the Schools and Libraries program. As evidenced by the examples above, the Schools and Libraries program is already hard at work reaching economically distressed citizens, students with disabilities, and urban and rural populations. We call on the Commission to leverage the valuable work that the program has already done, and is continuing to do, by incorporating improvements to the Schools and Libraries program (described herein) within the new national broadband plan.

The Schools and Libraries Program Could Better Achieve National Broadband Goals if its Funding Cap Was Increased (¶ 39)

In the NOI, the Commission questions how the Schools and Libraries program should be modified as part of a national broadband plan. As discussed above, the Schools and Libraries program has had a significant positive impact on broadband deployment around the country. However, EdLiNC believes that the program could accomplish more if its annual cap was increased.

Each year, almost 40,000 applications are submitted to the Schools and Libraries program, and annual demand routinely exceeds the program's \$2.25 billion spending cap. In fact, total estimated demand for Funding Year 2009 equaled \$3.99 billion,

² See *In the Matter of A National Broadband Plan for Our Future*, GN Docket No. 09-51, 24 FCC Rcd 4342 (2009).

approximately \$1.75 billion over its funding limit. Moreover, due to the increasing demand for Priority One services—usually recurring telephone and Internet access costs—the vast majority of School and Library program's resources are consumed by them. For example, in 2003 Priority One services accounted for 43% of funding commitments. Funding commitments for Priority One services grew to 60% in 2007. The estimated demand for Priority One services in 2009 will increase by 4.3% over 2008 levels to \$2.04 billion and the final Priority One allocation could amount to as much as 80% of the total funding commitment

As a result of the growing demand for Priority One services, the funding available for Priority Two services—internal connections costs—has declined. Thus, there are not enough funds available for Priority Two services, causing the Schools and Libraries program to deny assistance to many economically disadvantaged schools. In fact, the only year in which all valid requests for Priority Two services were funded was Funding Year 2 (1999-2000). Three years later, Priority Two commitments totaled \$1,532,994,346 or 56% of the total amount committed in 2003. By 2007, Priority Two applications accounted for only 39% of the total amount committed. Funding for Priority Two services is expected to decrease again in Funding Year 2009.

Congress's intent in authorizing the Schools and Libraries program was to close the digital divide by ensuring that *all* schools and libraries would have access to advanced telecommunications and information services at just, reasonable, and affordable rates. However, the current funding of the Schools and Libraries program does not support Congress' intent. Based on current program guidelines and demand, only schools and libraries at the most dire end of the poverty spectrum, i.e., schools that fall at or above the

80% discount level, are provided with Priority Two access. Most schools that are at the 70% discount level and below are denied help from the program, leaving many at risk students and economically disadvantaged communities unconnected.

Accordingly, given the increasing demand for Schools and Libraries program resources, the Commission should consider raising the cap of the Schools and Libraries program as part of the national broadband plan. By increasing the cap, the Commission would provide Schools and Libraries with sufficient funds to meet the growing needs of Priority One services and allow the program to also fund Priority Two services to institutions at lower discount levels. This, in turn, would allow the program to fund more schools and allow more students access to broadband services to help prepare them for the 21st century economy.

The Schools and Libraries Program Rules Could Be Modified to Provide Additional Opportunities for Broadband Access to Communities (§ 41)

The Commission also seeks comments in the NOI on how the Schools and Libraries program could be modified to provide additional broadband support. As noted above, the Schools and Libraries program is already doing a great deal to increase broadband penetration rates in schools and libraries around the country, including providing substantial support to the unserved and underserved areas that new American Recovery and Reinvestment Act (“ARRA”) broadband programs strive to reach.

Despite the Schools and Libraries program’s great successes, there is still much work to be done to improve broadband penetration rates in some parts of the United States.

Accordingly, EdLiNC believes that there may be merit in creating a new, separate and distinct broadband fund in universal service to complement the work that the Schools and

Libraries program is currently doing. However, in creating such a new program, we urge the Commission not to undermine the success and work of the Schools and Libraries program by shifting money designated for the Schools and Libraries fund to a new broadband program. In particular, EdLiNC recommends against fund-shifting given the evidence of current underfunding for E-Rate that we provide above.

Beyond raising the E-Rate's annual cap, we ask the Commission to consider a number of relatively small rule changes to the program that we believe would assist efforts to improve broadband penetration in unserved and underserved areas:

- Streamlining and simplifying the Schools and Libraries application process;
- Establishing a multi-year application for Priority One services in which funding requests would be considered annually along with all other applications received within the application window;
- Involving more technology in the entire process, including making forms available online, making the USAC website interactive, and allowing applicants to e-mail rather than fax communications;
- Increasing information available to applicants throughout the process by providing applicants the latest information on the status on internal connections and the procedures and current status of audit reviews;
- Changing library poverty rates for the purposes of the Schools and Libraries program; and

- Exempting all Universal Service Programs from the Anti-Deficiency Act (ADA).

Reducing the Cost Allocation Requirements of the Schools and Libraries Program Could Encourage the Utilization of Broadband Infrastructure (§ 56)

The Commission also seeks comment in the NOI on how the Schools and Libraries program could encourage further utilization of broadband infrastructure. EdLiNC believes that an excellent way to stimulate broadband use is to broaden the current E-Rate program rules to allow community members to use Schools and Libraries program funded services for continuing education and similar purposes during non-school hours.

Current Schools and Libraries program rules make it difficult for schools and school libraries to allow the public to use supported telecommunications and Internet services during non-school hours. Under the current rules, schools must cost allocate Schools and Libraries services if such services are used for non-educational purposes, a process that many consider time consuming and burdensome. Because the requirements for which Schools and Libraries funds were approved have already been met, cost allocation is a needless activity that merely serves to further complicate the Schools and Libraries program.

Accordingly, EdLiNC urges the Commission to allow schools and school libraries to permit the public to use supported telecommunications and Internet services during non-school hours without requiring schools to engage in the cost allocation process. By relieving this burden on schools and school libraries, those entities could focus on providing community broadband access to help advance online learning, stimulate economic growth, and increase demand for broadband. In making this recommendation, it is important to note that EdLiNC is not seeking additional capacity and/or services, or

additional funding. Instead, we are simply asking that additional uses of services under the Schools and Libraries program at eligible school facilities be allowed for community purposes after the Schools and Libraries program requirements have first been met.

The Commission Should Collect Data on Broadband Usage at the Classroom or Library Level (§§ 61, 92)

The NOI also requests comment on how the Commission should collect data on broadband use supported through universal programs. EdLiNC believes that in order to provide the most accurate information about the services in each school and library, a broadband data map must provide detailed information about broadband capacity to library patrons and individual classroom users. Accordingly, EdLiNC supports efforts to measure the degree to which students, educators, and library patrons have access to advanced telecommunications services. However, in doing so we recommend that the collection of this information be conducted in as non-burdensome a manner as possible, capitalizing on any pre-existing, recent surveys (including data collected by the Universal Service Administrative Company) that can supply the relevant information.

EdLiNC believes all educators and students should have access to advanced telecommunications services in their classrooms and that all library patrons should have reasonable access to advanced telecommunications services. As such, we believe that the ARRA authorized and funded Broadband Data Mapping program not only affords an excellent opportunity to measure broadband penetration, usage, bandwidth speeds and costs in residences but also to investigate the same for schools and libraries. We urge the Commission not to leave schools and libraries out of their broadband data mapping efforts and support mapping bandwidth to the individual classroom or library room

level—even to the computing device level—to provide the clearest picture of the state of broadband in America’s schools and libraries.

The National Broadband Plan’s “Plan for the Use of Broadband Infrastructure and Services in Advancing [...] Education” Should Be Measured Using Connectivity Metrics Not Academic Ones (¶ 88)

The Commission also requests comment on how a national broadband plan should measure the use of broadband infrastructure and services to advance education. EdLiNC well understands the value of technology and ample bandwidth to improve teaching and learning. However, the Schools and Libraries program is a technology program that must be measured and evaluated as the technology connectivity program that it is. Indeed, the Commission agrees with our position and stated the same in its August 2007 Order.³

The Schools and Libraries program is not an education initiative, but rather a telecommunications program serving strictly as a mechanism for ensuring that schools and libraries are connected to the nation’s infrastructure. Thus, the Commission should not attempt to isolate the impact of Schools and Libraries program services on student achievement, nor should it create program goals or performance measures tied to student achievement. Instead, the Commission’s performance measure should focus only on telecommunications connectivity. Accordingly, the measurement of any national broadband plan’s impact on education must be measured based on the meeting of connectivity metrics, not academic ones.

³ See *In the Matter of Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight*, WC Docket No. 05-195, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, *Rural Health Care Support Mechanism*, WC Docket No. 02-60, *Lifeline and Link-Up*, WC Docket No. 03-109, *Changes to the Board of Directors for the National Exchange Carrier Association, Inc.*, CC Docket No. 97-21, 22 FCC Rcd 16372 (2007).

**Broadband Has An Important Role in Boosting the Quality
of American Schools for All Students (§ 89)**

The Commission also seeks comments in the NOI on the role of broadband in improving schools. Specifically, the Commission inquired about the role of broadband in encouraging more technology partnerships between schools and businesses and providing more opportunities for children and adults with disabilities. EdLiNC knows well from its previous studies of E-Rate usage that broadband has an important role in both of those activities.

The Schools and Libraries program has a strong track record in promoting technology partnerships between schools and third-party organizations. Many local organizations have agreed to supply at low or reduced costs the hardware, software, and professional development tools that all schools and libraries must pledge to have on hand before Schools and Libraries supported services are delivered. For example, the Archdiocese of Boston, which has received substantial sums through the program over the years, partnered with a non-profit organization and received seven personal computers per classroom, including one for each teacher, plus computer labs consisting of twenty to thirty computers for each supported school.

Beyond business partnerships, we can state affirmatively that the Schools and Libraries program's supported services have improved the educational participation of students with disabilities. In addition to The Rochester School for the Deaf (described above), other schools such as the King's Daughters' School in Tennessee and the Good Will Hinckley School in Maine also rely on Schools and Libraries support to provide opportunities for their students. At the King's Daughter's School, which serves students

with cognitive disabilities, Schools and Libraries' supported connectivity has enabled students to access the Internet in the same way as their non-disabled public school counterparts. As a result, students are exposed to all that the Internet has to offer, including communication and games, to help them become active and productive participants in society.

At the Good Will Hinckley School in Maine, students who have educational, behavioral, or special needs also benefit from technology made possible through Schools and Libraries program support. School administrators have observed that students with personal and educational challenges are becoming more involved with their schoolwork because of the dynamic distance learning courses now available to them. Technology access has also greatly improved communication with some of the students' guardians and caseworkers, who require periodic updates on student performance.

Given these examples, it is clear that the Schools and Libraries program has demonstrated that broadband has an important role in improving the quality of America's schools for all students.

Conclusion

EdLiNC appreciates the opportunity to provide comments about issues related to the Schools and Libraries program as part of the Commission's NOI on developing a national broadband plan. The Schools and Libraries program has been a vital part of the nation's technology infrastructure for public and private schools and public libraries for over a decade, and its efforts should be recognized, leveraged and enhanced through the national broadband plan.

Appendix A: Members of EdLiNC

EdLiNC is a coalition of educational and library groups that have been working together to provide schools and libraries with affordable access to telecommunications and to ensure the effective implementation of the program. More information about EdLiNC is available from our website at <http://www.edlinc.org>. EdLiNC's members include:

American Association of School Administrators

American Library Association

Association of Educational Service Agencies

Consortium for School Networking

Council of Chief State School Officers

International Society for Technology in Education

National Association of Elementary School Principals

National Association of Independent Schools

National Association of Secondary School Principals

National Catholic Educational Association

National Education Association

National Rural Education Association Coalition

National School Boards Association

United States Conference of Catholic Bishops